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09/725,312	11/29/2000	Arkadi Kosmynin	Q61372	8592

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER	
GOLD, AVI M	

ART UNIT	PAPER NUMBER
2157	3

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/725,312	KOSMYNIN, ARKADI	
	Examiner	Art Unit	
	Avi Gold	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 November 2000*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This action is responsive to the application filed November 29, 2000. Claims 1-16 are pending. Claims 1-16 represent a method and system for communication in the Usenet.

Specification

1. The disclosure is objected to because of the following informalities: On page 6 the same patent number is used for two different patents.

Appropriate correction is required.

Claim Objections

2. Claims 2, 5, and 16 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 7-10, and 12-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter

which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The meaning of terms "transparently", "first Usenet agent", "second Usenet agent", "Usenet message ID", and "reverse transformation" are not clearly defined in the specification.

5. Claims 1-10 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

7. Regarding claim 1, the phrase "Usenet-like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

8. Claim 1 recites the limitation "their original server" in line 2. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 6 recites the limitation "the WWW" and "the improvement". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 2, 5-7, 9, 11-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Rosenzweig, U.S. Patent No. 6,526,479.

Rosenzweig teaches the invention as claimed including a method of caching web resources obtained from the Internet (see abstract).

Regarding claim 1, a method of associating an URL with a Web object(s) for transport from a server side (their original server) to a client side via the Usenet or a Usenet-like system, the method including the steps of:

a. Constructing/determining/allocating a URL (Uniform Resource Locator) for the object, and (col. 4, lines 30-55, Rosenzweig discloses URLs as a way of referencing Internet resources)

b. placing the object on the original server in such a way that this URL

1. contains information necessary to find the object in a Usenet server (col. 4, lines 30-55, Rosenzweig discloses URL used for Usenet);

2. indicates that the object has been posted to the Usenet and may be found on a Usenet server; and (col. 4, lines 30-55, Rosenzweig discloses the protocol used for Usenet)

3. can be used to transparently retrieve the object from its original server. (col. 5, lines 9-19, Rosenzweig discloses an html file instruct a browser to access any number of other web resources)

Regarding claim 2, a method of transporting Web object(s) via a Usenet, the method including:

associating a URL with the Web object as claimed in claim 1 (col. 4, lines 30-55, Rosenzweig discloses a URL specifying a resource),

posting the object on the Usenet (col. 4, lines 30-67; col. 5, lines 1-9; Rosenzweig discloses files posted on the Internet);

at a client side, intercepting requests for the object, interpreting them and using information extracted, as a result of the interpretation, to locate the object from a Usenet server (col. 4, lines 30-67; col. 5, lines 1-9; Rosenzweig discloses retrieving files from an Internet host).

Regarding claim 5, a URL useful in accordance with the method of claim 1 (col. 4, lines 30-55).

Regarding claim 6, a communication system adapted to distribute Web objects from a web host server to a client, the system having:

a Web host server on which the web objects are stored, the web host server being coupled to the WWW (col. 4, lines 1-14, Rosenzweig discloses host computers with access to the WWW),

the coupling between the client, the WWW and web host server enabling bi-directional communication (col. 4, lines 1-14, Rosenzweig discloses host computers providing multimedia information services),

the improvement including,

providing a first Caching agent intermediate and coupled to the client and WWW and Usenet (col. 4, lines 30-55; col. 7, lines 22-47, Rosenzweig discloses caching web resources), and

providing a second Caching agent intermediate and coupled to the WWW and the Usenet and the web host server (col. 4, lines 30-55; col. 7, lines 22-47),

wherein the first and second Caching agents enable communication of objects between the client and the Web host server to be via either the Internet or the Usenet (col. 4, lines 30-55; col. 7, lines 22-47).

Regarding claim 7, a system as claimed in claim 6, wherein the first Usenet agent is an application located on the TCP/IP path from the client to the Web cache (col. 3, lines 31-67; col. 7, lines 22-47; Rosenzweig discloses the use of TCP/IP as a communication protocol).

Regarding claim 9, a system as claimed in claim 6, wherein the second Usenet agent is located intermediate the web host server and the Internet (col. 4, lines 30-55; col. 7, lines 22-47).

Regarding claim 11, a method of creating a URL for use in the Web, the method including the steps of:

providing a first field having information sufficient to locate an object on a

web server (col. 4, lines 30-55), and

providing a second field having information sufficient to locate the object on the Usenet (col. 4, lines 30-55).

Regarding claim 12, a method as claimed in claim 11, wherein the first field includes an initial URL, and the second field includes a Usenet message ID (col. 4, lines 30-55, Rosenzweig discloses a URL having the description and location of an item).

Regarding claim 13, a method as claimed in claim 11, wherein the first and second fields are the same and include a Usenet message ID (col. 4, lines 30-55).

Regarding claim 14, a method as claimed in claim 13, wherein the message ID is encoded in URL query parameters (col. 4, lines 30-55).

Regarding claim 15, a method as claimed in claim 11, wherein the URL is created in a manner where a relatively simple and relatively unambiguous reverse transformation exists (col. 4, lines 30-55, Rosenzweig discloses a URL not being limited to just WWW sites).

Regarding claim 16, a URL useful in accordance with the method of claim 2 (col. 4, lines 30-55).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

13. Claims 3, 4, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenzweig further in view of Fleischman, U.S Patent No. 6,507,847.

Rosenzweig teaches the invention substantially as claimed including a method of caching web resources obtained from the Internet (see abstract).

As to claim 3, Rosenzweig teaches the method of claims 1 and 2.

Rosenzweig fails to teach the limitation further including retrieving an object from the original server.

However, Fleischman teaches a system and method for maintaining a history database of newsfeeds to a Usenet server (see abstract). Fleischman teaches the use of downloading information from the server that is not present or updated (col. 3, lines 41-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig in view of Fleischman to retrieve an object from the original server. One would be motivated to do so because it will allow the Usenet to have the most recent information.

As to claim 4, Rosenzweig and Fleischman teach the method of claim 3.

Rosenzweig fails to teach the limitation further including receiving digitally signed permission to post the object on behalf of the server and to cancel the expired version, if any, and transmitting this permission to one or more of Usenet servers along with the object.

However, Fleischman teaches a system and method for maintaining a history database of newsfeeds to a Usenet server (see abstract). Fleischman teaches the use

of using a history database on multiple Usenet servers to download new articles and delete older ones (col. 1, lines 60-67; col. 2, lines 1-19).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig in view of Fleischman to receive digitally signed permission to post the object on behalf of the server and to cancel the expired version, if any, and transmitting this permission to one or more of Usenet servers along with the object. One would be motivated to do so because it will allow the Usenet to have the most recent information and not have wasted space on out of date information.

As to claim 8, Rosenzweig teaches the method of claim 6.

Rosenzweig fails to teach the limitation further including if the object has not been posted to the Usenet, the first agent passes the request further for normal processing by the Web server or cache engine; if the object has been posted to the Usenet: based on its configuration information, the first agent selects one or more available Usenet servers and tries to find the required object on them, if the object is found, the first agent retrieves it and returns to the client, and/or if the object is not available, the first agent passes the request for further processing by the original server or a caching engine.

However, Fleischman teaches a system and method for maintaining a history database of newsfeeds to a Usenet server (see abstract). Fleischman teaches the use of if the object has not been posted to the Usenet, the first agent passes the request further for normal processing by the Web server or cache engine (col. 3, lines 41-64, Fleischman discloses an article being downloaded if it is not already present); if the

object has been posted to the Usenet: based on its configuration information, the first agent selects one or more available Usenet servers and tries to find the required object on them (col. 3, lines 41-64, Fleischman discloses receiving newsfeeds from many sources), if the object is found, the first agent retrieves it and returns to the client (col. 5, lines 37-62, Fleischman discloses an article being returned to the server), and/or if the object is not available, the first agent passes the request for further processing by the original server or a caching engine (col. 1, lines 60-67; col. 2, lines 1-18; Fleischman discloses a newsfeed sending a steady stream of queries regarding the status of newly posted articles).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig in view of Fleischman to use; if the object has not been posted to the Usenet, the first agent passes the request further for normal processing by the Web server or cache engine; if the object has been posted to the Usenet: based on its configuration information, the first agent selects one or more available Usenet servers and tries to find the required object on them, if the object is found, the first agent retrieves it and returns to the client, and/or if the object is not available, the first agent passes the request for further processing by the original server or a caching engine. One would be motivated to do so because it will allow the Usenet to have the most recent information.

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenzweig and Fleischman further in view Dillon et al., U.S. Patent No. 6,546,488.

Rosenzweig teaches the invention substantially as claimed including a method of caching web resources obtained from the Internet (see abstract). Fleischman teaches the invention substantially as claimed including a system and method for maintaining a history database of newsfeeds to a Usenet server (see abstract).

As to claim 10, Rosenzweig teaches the method of claims 6 and 9.

Rosenzweig fails to teach the limitation further including the use of periodically re-posting objects to the Usenet to ensure their availability.

However, Dillon teaches a method and apparatus for delivering Internet newsgroup information over a broadcast network (see abstract). Dillon teaches the use of re-posting articles on the Usenet (col. 7, lines 30-39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosenzweig and Fleischman in view of Dillon to re-post articles on the Usenet. One would be motivated to do so because it would ensure the constant availability of objects.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,401,118 to Thomas.

U.S. Pat. No. 6,012,126 to Aggarwal et al.

U.S. Pat. No. 6,457,025 to Judson.

U.S. Pat. No. 6,032,195 to Reber et al.

U.S. Pat. No. 5,815,663 to Uomini.

U.S. Pat. No. 6,564,233 to Fleischman.

U.S. Pat. No. 5,813,008 to Benson.

U.S. Pat. No. 5,384,565 to Cannon.

U.S. Pat. No. 5,771,355 to Kuzma.

U.S. Pat. No. 5,903,723 to Beck et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Avi Gold whose telephone number is 703-305-8762. The examiner can normally be reached on M-F 8:00-5:30 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Avi Gold

Patent Examiner

Art Unit 2157

AMG

ARIC ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100